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December 2, 2017

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Evan Greebel, S1 15 Cr. 637 (KAM)

Dear Judge Matsumoto:

We respectfully submit this information pursuant to the Court's December 1, 2017, Order.

In relevant part, Your Honor's Order required us to provide copies of any documents in our possession, custody, or control which we sought through November 28 trial subpoenas to Retrophin, Inc., and Katten Muchin: "With regard to the government's oral motion to preclude documents obtained through two November 28, 2017 Rule 17(c) subpoenas served on Katten and Retrophin, the Court orders that ... defendant shall provide the government with copies of all documents in his possession, custody, or control, which he intends to use in his case-in-chief, notwithstanding any evidentiary or authentication objections defense counsel anticipates the government may make to such documents." Dec. 1, 2017 Order. Although we respectfully disagree with the Court's Order because we believe that it does not comport with our client's constitutional and procedural rights, we will, of course, abide by Your Honor's Order.

Of the approximately 91 documents requests in our November 28 trial subpoenas, we have reduced the number to approximately 65, and we will so inform counsel for Retrophin and Katten Muchin. Accordingly, pursuant to the Court's Order, we are providing to the government through a share file copies of any such documents in our possession, custody, or control which, at this time and prior to the conclusion of the government's case-in-chief, we intend to use in any case-in-chief we might present. In addition, we have also identified at this time an additional approximately 15 documents that we may seek through trial subpoenas and also include copies of any such documents in our possession, custody, or control to the government through a share file.

GIBSON DUNN

The Honorable Kiyo A. Matsumoto
December 2, 2017
Page 2

We respectfully emphasize that our client has not decided whether to put on a case-in-chief and will not do so until after the government rests. Nevertheless, as we review and prepare for our case-in-chief, we have identified additional, already-produced documents to respond to the government's ongoing case-in-chief that we may use during any defense case-in-chief and will supplement our pretrial exhibit list later today.

Respectfully,

/s/ Reed Brodsky
Reed Brodsky

Attachments

cc: Alixandra E. Smith, Esq.
David C. Pitluck, Esq.
David K. Kessler, Esq.